

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE APPLICATION OF ALBERTO SAFRA
FOR AN ORDER TO TAKE DISCOVERY FOR
USE IN FOREIGN PROCEEDINGS PURSUANT
TO 28 U.S.C. § 1782

No. 21-MC-00640-GHW

**STIPULATION AND
ORDER**

WHEREAS, on August 5, 2021, petitioner Alberto Safra (the “Petitioner”) filed an application for an order to take discovery for use in foreign proceedings pursuant to 28 U.S.C. § 1782 (the “Application”);

WHEREAS, the Application seeks permission to serve subpoenas *duces tecum* and *ad testificandum* on Memorial Sloan Kettering Cancer Center, Dr. Eli L. Diamond and Dr. Viviane Tabar (collectively, the “MSKCC Respondents”) as well as Mount Sinai Health System, Dr. Susan Bressman and Dr. Valentine Fuster (collectively, the “Mount Sinai Respondents” and together with the MSKCC Respondents, the “Respondents”);

WHEREAS, by order dated August 6, 2021, the Court (i) directed Petitioner to serve the Application on Respondents on or before August 13, 2021, (ii) directed that any opposition to the Application must be served no later than August 27, 2021, (iii) directed Petitioner to file his reply, if any, on or before September 3, 2021, and (iv) set a hearing on the Application on September 13, 2021 at 4 p.m. (ECF No. 8);

WHEREAS, on August 24, 2021, Petitioner and Respondents jointly requested that the Court extend these deadlines (ECF No. 11);

WHEREAS, on August 24, 2021, the Court granted this request, ordering that (i) Respondents respond to the Application on or before September 24, 2021, (ii) Petitioner file his reply, if any, on or before October 8, 2021, and (iii) the hearing be adjourned to October 19,

2021;

WHEREAS, on August 31, 2021, Ms. Safra, as the executor and administrator of the Estate of Joseph Yacoub Safra (the “Estate”), moved to intervene in this action (ECF No. 18);

WHEREAS, on September 3, 2021, Petitioner consented to Ms. Safra’s intervention in this action (ECF No. 22);

WHEREAS, the Court granted Ms. Safra’s motion to intervene on September 6, 2021 (ECF No. 23);

WHEREAS, the parties to this stipulation wish, subject to the Court’s approval, to extend the briefing schedule on the Application as set forth below.

IT IS HEREBY STIPULATED by and between the parties that (i) Respondents and Ms. Safra shall respond to the Application on or before October 25, 2021; (ii) Petitioner will file his reply, if any, on or before November 8, 2021; and (iii) the hearing on the Application will be adjourned to a date set by the Court.

IT IS FURTHER STIPULATED AND AGREED that this stipulation may be executed in counterparts and that a facsimile or electronic signature shall have the same binding effect on all parties hereto as an original signature.

Dated: September 24, 2021

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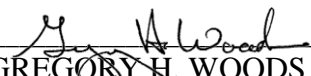
Attorney for Petitioner Alberto Safra

*Attorney for Respondents Mount Sinai Health
System, Dr. Susan Bressman and Dr.
Valentine Fuster*

The hearing on the Application previously scheduled for October 19, 2021 is adjourned to December 21, 2021 at 2:00 p.m. The parties are directed to the Court's Emergency Rules in Light of COVID-19, which are available on the Court's website, for the dial-in number and other relevant instructions. The parties are specifically directed to comply with Rule 2(C) of the Court's Emergency Rules.

SO ORDERED.

Dated: September 24, 2021
New York, New York


GREGORY H. WOODS
United States District Judge